

**SUPREME COURT MINUTES
WEDNESDAY, MARCH 4, 2009
SAN FRANCISCO, CALIFORNIA**

S169669 B190301 Second Appellate District, Div. 8 **ARMOUR (TIMOTHY) AND
RITTER (NINA), MARRIAGE
OF**

The time for granting or denying review in the above-entitled matter is hereby extended to April 10, 2009.

S169798 G039456 Fourth Appellate District, Div. 3 **PEOPLE v. CALERA
(WENCESLAO)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 15, 2009.

S047868 **PEOPLE v. GEORGE
(JOHNATON SAMPSON)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy Attorney General Holly D. Wilkens's representation that she anticipates filing the respondent's brief by March 5, 2009, counsel's request for an extension of time in which to file that brief is granted to March 5, 2009. After that date, no further extension is contemplated.

S077524 **PEOPLE v. SALAZAR
(MAGDALENO)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Ellen J. Eggers's representation that she anticipates filing the appellant's opening brief by July 3, 2009, counsel's request for an extension of time in which to file that brief is granted to May 5, 2009. After that date, only one further extension totaling about 60 additional days is contemplated.

S132646**JONES (MICHAEL LAMONT)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Federal Public Defender Joseph A. Trigilio's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by May 5, 2009, counsel's request for an extension of time in which to file that document is granted to May 5, 2009. After that date, no further extension is contemplated.

S136672**DE PRIEST (TIMOTHY LEE)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Thomas Nishi's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by May 4, 2009, counsel's request for an extension of time in which to file that document is granted to May 4, 2009. After that date, no further extension is contemplated.

S160814**VIRGIL (LESTER WAYNE)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Manuel J. Baglanis's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by January 2010, counsel's request for an extension of time in which to file that document is granted to May 4, 2009. After that date, only four further extensions totaling about 240 additional days are contemplated.

S165113

B189133 Second Appellate District, Div. 2

**LOS ANGELES UNIFIED
SCHOOL DISTRICT v.
GREAT AMERICAN
INSURANCE COMPANY**

Extension of time granted

On application of respondents and good cause appearing, it is ordered that the time to serve and file the Reply Brief on the Merits is extended to April 1, 2009.

S165302**DICKEY (COLIN RAKER)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Justain P. Riley's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by April 2, 2009, counsel's request for an extension of time in which to file that document is granted to April 2, 2009. After that date, no further extension is contemplated.

S168047**STRAUSS (KAREN L.) v.
HORTON (MARK B.)/
(HOLLINGSWORTH)**

Order filed

The legislative resolutions appended to the request for judicial notice filed by legislative amici curiae on March 3, 2009, are accepted as a supplement to the amicus curiae brief previously filed by these amici curiae in these proceedings.

S168066**TYLER (ROBIN) v. STATE OF
CALIFORNIA/
(HOLLINGSWORTH)**

Order filed

The legislative resolutions appended to the request for judicial notice filed by legislative amici curiae on March 3, 2009, are accepted as a supplement to the amicus curiae brief previously filed by these amici curiae in these proceedings.

S168078**SAN FRANCISCO, CITY &
COUNTY OF v. HORTON
(MARK B.)/
(HOLLINGSWORTH)**

Order filed

The legislative resolutions appended to the request for judicial notice filed by legislative amici curiae on March 3, 2009, are accepted as a supplement to the amicus curiae brief previously filed by these amici curiae in these proceedings.

S169753 A120050 First Appellate District, Div. 4**TVERBERG (JEFFREY) v.
FILLNER CONSTRUCTION,
INC.**

Order filed

The order filed on February 25, 2009, granting the petition for review is amended to reflect the title above.

S169572**KWON ON DISCIPLINE**

Recommended discipline imposed

It is ordered that STEVE SEHAENG KWON, State Bar No. 222338, be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed October 27, 2008. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and one-third of said costs be paid with membership fees for the years 2010, 2011 and 2012. It is further ordered that if he fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S169574**SANCHEZ ON DISCIPLINE**

Recommended discipline imposed

The court orders that RUBEN D. SANCHEZ, State Bar Number 164298, be suspended from the practice of law for two years and until he: (1) complies with the requirements of standard 1.4(c)(ii), (2) makes restitution, and (3) pays court ordered sanctions, as set forth more fully below; that execution of the suspension be stayed; and that he be placed on probation for three years on condition that he be actually suspended for the first 90 days of probation and until he provides proof to the satisfaction of the State Bar's Office of Probation in Los Angeles that he has:

- (1) paid the \$1,000 in sanctions ordered against him in *Davalos v. Haro*, San Bernardino County Superior Court case number MCIM506142;
- (2) made restitution to Sam Khalifian in the amount of \$3,300 plus 10 percent interest per annum

from October 1, 2005 (or to the Client Security Fund to the extent of any payment from the fund to Khalifian, plus interest and costs [Bus. & Prof. Code, § 6140.5]); and

(3) made restitution to Ignacio Davalos in the amount of \$2,055 plus 10 percent interest per annum from May 1, 2004 (or to the Client Security Fund to the extent of any payment from the fund to Davalos, plus interest and costs [Bus. & Prof. Code, § 6140.5]).

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d). The court orders that RUBEN D. SANCHEZ comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 12, 2008. The court orders that if RUBEN D. SANCHEZ is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the general law. (Standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct.) The court orders that RUBEN D. SANCHEZ take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) The court also orders that RUBEN D. SANCHEZ comply with rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order. (Bus. & Prof. Code, § 6126, subd. (c).) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and one-third of said costs be paid with membership fees for the years 2010, 2011 and 2012. The court further orders that if RUBEN D. SANCHEZ fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to Business and Professions Code section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California. (Rules Proc. of State Bar, rule 286.) The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S169575**MCLEAN ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that KEVIN R. MCLEAN, State Bar No. 127209, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. KEVIN R. MCLEAN is also ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S169578**CHACON ON DISCIPLINE**

Recommended discipline imposed

The court orders that MIGUEL A. CHACON, State Bar Number 99469, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for the first 30 days of probation. The court orders that MIGUEL A. CHACON comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on September 24, 2008, as modified by its order filed on November 7, 2008. The court orders that MIGUEL A. CHACON take and pass the Multistate Professional Responsibility Examination within four months after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and one-third of said costs be paid with membership fees for the years 2010, 2011 and 2012. The court also orders that if MIGUEL A. CHACON fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to Business and Professions Code section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California. (Rules Proc. of State Bar, rule 286.) The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S169592**RUSSELL ON DISCIPLINE**

Recommended discipline imposed

The court orders that LISA M. RUSSELL, State Bar Number 182496, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that she be placed on probation for three years on condition that she be actually suspended for the first 18 months of probation and until she provides proof to the satisfaction of the Office of Probation that she has made restitution to the following clients:

- (1) Gregory Leitner in the amount of \$1,500 plus 10 percent interest per annum from May 1, 2006;
- (2) Marcus Coleman in the amount of \$2,000 plus 10 percent interest per annum from January 4, 2006; and
- (3) Mary Alvarez in the amount of \$2,000 plus 10 percent interest per annum from March 6, 2006, or to the Client Security Fund to the extent of any payment from the fund to Gregory Leitner, Marcus Coleman, or Mary Alvarez, plus interest and costs, in accordance with Business and Professions Code section 6140.5.

Any restitution to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d). The court orders that LISA M. RUSSELL comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 4, 2008. The court orders that LISA M. RUSSELL take and pass the Multistate Professional Responsibility Examination within one

year after the effective date of this order or during the period of her actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) The court also orders that LISA M. RUSSELL comply with rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order. (Bus. & Prof. Code, § 6126, subd. (c).) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and one-third of said costs be paid with membership fees for the years 2010, 2011, and 2012. The court further orders that if LISA M. RUSSELL fails to pay any installment of disciplinary costs within the time period provided herein or as may be modified by the State Bar Court pursuant to Business and Professions Code section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California. (Rules Proc. of State Bar, rule 286.) The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S169593**AREL ON DISCIPLINE**

Recommended discipline imposed

The court orders that JUSTIN GILBERT AREL, State Bar Number 173625, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for the first sixty days of probation. The court orders that JUSTIN GILBERT AREL comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed on October 8, 2008. The court orders that JUSTIN GILBERT AREL take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S169596**CHAPKIS ON DISCIPLINE**

Recommended discipline imposed

The court orders that SUSAN JANE CHAPKIS, State Bar Number 112401, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that she be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 12, 2008. The court orders that SUSAN JANE CHAPKIS take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10, and one-third of said costs be paid with membership fees for the years 2010, 2011, and 2012. The court also orders that, if SUSAN JANE CHAPKIS fails to pay any installment of disciplinary costs within the time provided herein or as

may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**SUPREME COURT MINUTES
WEDNESDAY, MARCH 4, 2009
SAN FRANCISCO, CALIFORNIA**

The Supreme Court of California convened in the courtroom of the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on Wednesday, March 4, 2009, at 9:00 a.m. The Clerk voted that on this day in 1850, the California Supreme Court convened for the first time in the Graham House, a former hotel on the northeast corner of Kearny Street and Pacific Avenue in San Francisco, California.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan.

Officers present: Frederick K. Ohlrich, Clerk, and Gail Gray, Calendar Coordinator.

S153002 Evelyn Conroy, Plaintiff and Appellant,
 v.
 Regents of the University of California, Defendant and Respondent.

Cause called. Paul M. Mahoney argued for Appellant.
Louis M. Marlin argued for Respondent.

Mr. Mahoney replied.
Cause submitted.

S157001 Pauline Fairbanks et al., Petitioners,
 v.
 Los Angeles County Superior Court, Respondent,
 Farmers New World Life Insurance et al., Real Parties in Interest.

Cause called. Robert S. Gerstein argued for Petitioners.
Peter H. Mason argued for Real Parties in Interest.

Mr. Gerstein replied.
Cause submitted.

S162675

The People, Plaintiff and Respondent,
v.
Nicholas Scott Stone, Defendant and Appellant.

Cause called. Mitchell Keiter, Office of the Kings County District Attorney, argued for Respondent.
Linnea Johnson, Central California Appellate Program, Court-appointed Counsel, argued for Appellant.

Mr. Keiter replied.
Cause submitted.

Court recessed until 1:30 p.m. on this date.

Court reconvened pursuant to recess.
Members of the court and officers present as first shown.

S159319

Gerard Ste. Marie, Respondent,
v.
Riverside County Regional Park and Open Space District, Appellant;
Mt. San Jacinto Community College District, Real Party in Interest.

Cause called. Dennis Peter Maio argued for Appellant.
Gerard Ste. Marie argued for Respondent.

Mr. Maio replied.
Cause submitted.

S157008

The People, Plaintiff and Respondent,
v.
Rodney Louis Gaines, Defendant and Appellant.

Cause called. Peter Gold, Court-appointed Counsel, argued for Appellant.

Stacy S. Schwartz, Office of the Attorney General, argued for Respondent.

Mr. Gold replied.

Cause submitted.

Justice Marvin R. Baxter, not participating, in consideration of the following case, did not take the bench.

The Honorable Henry E. Needham, Jr., Associate Justice, Court of Appeal, First District, Division Five, sitting on the following case under assignment by the chairperson of the Judicial Council, joined the court at the bench.

S034072

The People, Respondent,

v.

Robert Zane Curl, Appellant.

Cause called. Musawwir Spiegel, Office of the State Public Defender Appointed Counsel, argued for Appellant.

Jennevee H. DeGuzman, Office of the Attorney General, argued for Respondent.

Mr. Spiegel replied.

Cause submitted.

Justice Marvin R. Baxter returned to the bench.

Court recessed until March 5, 2009, at 9:00 a.m.